IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4305 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GOTHIB VIBHAG KELAVANI MANDAL & 1 - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR MUKUND M DESAI for Petitioner(s) : 1 - 2.
MR SIRAJ GORI for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 31/08/2006

ORAL JUDGMENT

1. Rule. Learned AGP Shri Siraj Gori waives service of notice of rule on behalf of respondents.

2. When this petition was filed, grievances of the

petitioners pertained to two vacancies in the petitioner no.2-School. The petitioners required teacher in Maths and Science subject in Secondary section as well as a teacher in English subject in Secondary section. For the said purpose of filling up the vacancies, NOC was sought for from the respondents. Since filing of the petition, by an order dated 24-7-2006, limited NOC has been granted by the respondents to the petitioners to fill up the vacancies of teacher with qualification of B.Sc. and B.Ed. for the subject of Maths and Science. The question of assignment of teacher in English subject is outstanding according to the petitioners.

3. On the other hand, respondents pointed out that one teacher Shri S.K. Khant who was employed in a school run by the petitioner no.1-trust having become surplus, has been transferred and assigned to the petitioner no.2 -School. Learned advocate for the petitioner however, submitted that said surplus teacher does not have

qualification for teaching English subject. To this learned AGP Shri Siraj Gori under instructions stated that current principal of the School Shri Sevak is qualified to teach English subject and has sufficient time on hand to do so. He further submitted that since Shri Khant was rendered surplus in another school run by the petitioner-trust, it was necessary to transfer him to petitioner no.2-School in the interest of administration. Be that as it may be, the application of the petitioner for granting NOC for filling up the vacancies of teacher in English subject in Secondary section has not yet been disposed of by the District Education Officer.

4. Keeping in mind all these aspects of the matter, such decision shall be taken expeditiously, preferably within a period of two months from the date of receipt of a copy of the order. It will be open for the petitioners to place additional material before District Education Officer along with the representation if they

wish to do so. The same shall be done within a period of one week from today. If so done, such additional material and representation shall also be taken into account by the District Education Officer before taking final decision. I have expressed no opinion on the rival contentions.

5. With these observations and directions, the petition is disposed of. Rule made absolute accordingly with no order as to costs.

(Akil Kureshi, J.)

(raghu)